

REMARKS

The following Remarks are submitted to address the issues raised in the Office Action mailed July 6, 2005. After entry of the foregoing claim amendments, claims 1-11, and 13-22 are currently pending in the application, claim 12 having been cancelled without prejudice by the foregoing amendments. Claims 1-4, 6 and 8 have been allowed. Claims 5, 7, and 17-22 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 9-11, 15 and 16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lin (6,148,497). Claims 17 and 19-22 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Brustle et al. (5,159,740). Claim 18 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Brustle et al. Claims 12-14 stand objected to as being dependant upon a rejected base claim and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 5, 7, and 17-22 – 35 U.S.C. § 112, second paragraph

The rejection of claims 5, 7, and 17-22 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, is believed to be rendered moot by the foregoing amendments.

Claim 5 has been amended to remove the phrase “facing the rear of the hinge assembly”, as such the indefinite language has been removed and the phrase “the step members” clearly refers to the push button.

Claim 7 has been amended to recite “the leaf spring”. This amendment clarifies that “the leaf spring” is not structurally related to the “hook members”, but rather refers to the leaf spring of claim 6.

Claim 17 has been amended to recite “the back end” so as to alleviate any indefiniteness associated with “a back end”.

As such, Applicant respectfully asserts that all indefiniteness has been removed from the claims and the rejection of claims 5, 7, and 17-22 under 35 U.S.C. § 112, second paragraph, has been rendered moot.

Claims 9-11, 15 and 16 – 35 U.S.C. § 102(b)

The rejection of claims 9-11, 15 and 16 under 35 U.S.C. § 102(b) as being anticipated by Lin (6,148,497) is believed to be rendered moot by the foregoing amendments.

Claim 12 stands objected to as being dependant upon a rejected base claim and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has incorporated the limitations of claim 12 into claim 9 thereby rendering amended claim 9 allowable. Further, as claims 10, 11, and 13-16 depend upon a now allowable base claim, they, too, are allowable.

As such, Applicant respectfully asserts that the rejection of claims 9-11, 15 and 16 under 35 U.S.C. § 102(b) as being anticipated by Lin (6,148,497) has been rendered moot, and claims 9-11, and 13-16 are currently allowable.

Claims 17 and 19-22 – 35 U.S.C. § 102(b)

The rejection of claims 17 and 19-22 under 35 U.S.C. § 102(b) as being anticipated by Brustle et al. (5,159,740) is believed to be rendered moot by the foregoing amendments.

Claim 17 has been amended to more clearly recite the structure of the adjustment screw 172. The intermediate plate now further comprises a round aperture formed through the plate, and the base plate further comprises an oval aperture formed through the plate. These two features, combined with a cam screw extending through the oval aperture of the base plate and the round aperture of the intermediate plate, provides a unique means for adjusting the hinge. Support for this amendment may be found in the original drawings, as well as throughout the specification.

In contrast, Brustle, et al. teaches a standard “clamping screw 5 ... mounted in a female thread 6 of the intermediate member.” (Brustle, et al., col.2, lines 13-14) “The hinge arm 1 can be adjusted over the length of slots 7, 8 in the direction of the depth of the furniture unit. (Brustle, et al. col. 2, lines 21-23). As such, Brustle et al. fails to suggest or disclose a cam screw employed in conjunction with the base plate and intermediate plate so as to effect the adjustment of the hinge assembly. The adjustment means of Brustle et al. are cumbersome in that the screw must be loosened, then the base plate manually repositioned before the screw is tightened again. In contrast, the adjustment means of the present invention provides easy

adjustment through the cam screw which can be accomplished using a screwdriver and does not require manual manipulation of the base plate.

Applicant respectfully asserts that the rejection to claim 17 has been rendered moot by the foregoing amendments. As claims 19-22 depend upon a now allowable base claim, they, too, are allowable.

Claim 18 – 35 U.S.C. § 103(a)

The rejection of claim 18 under 35 U.S.C. § 103(a) as being unpatentable over Brustle et al. is believed to be rendered moot by the foregoing amendments. Claim 17 has been amended to be in allowable form, as discussed above. Since claim 18 depends from claim 17, Applicant respectfully asserts that claim 18 is also allowable.

Conclusion

Applicants respectfully requests early consideration of the present application, entry of all amendments herein requested, and allowance of all pending claims.

The Examiner is respectfully invited to contact Todd W. Galinski at (336) 607-7448, to discuss any matter relating to this application.

Respectfully submitted,

Date: 8/31/05



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